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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,542	09/02/2001	Ivo Agner	GS 0444 A US	1898

7590

03/21/2003

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EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8x

**Office Action Summary**

Application No.

09/945,542

Applicant(s)

AGNER, IVO

Examiner

Vicky A. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 1-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

3. The disclosure is objected to because of the following informalities: on page 12 line 5 "valve 14" should be --valve 4--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunii (US 5,957,260).

Kunii discloses a control system for supplying a hydraulically-operated device with a working medium, said control system comprising: a pressure control valve (104), which can be controlled via a control means (100) by a control variable (current) in order to adjust a working medium pressure (CR) on the hydraulically operated device within a

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nominal pressure range and a maximum pressure range (col. 11 lines 3-19), wherein the maximum pressure range is between a system pressure value and the nominal pressure range (col. 2 lines 1-11), including an actuation means (114) for the pressure control valve or pressure reduction valve that actuates a valve body member (116) beyond a specified value of the control variable in such a way that with equal changes of the control variable the working medium pressure in the maximum pressure range changes more than in the nominal pressure range (col. 10 lines 63-67).

Re claim 9, Kunii shows the pressure control valve (104) includes a valve body member (108) that is operated by a control medium serving as a control variable (col. 8 lines 9-37).

Re claim 10, Kunii shows the pressure control valve (104) includes a valve body member (108) that can be controlled via an electric device (100).

Re claim 11, Kunii shows the control means is a proportional valve (102a) that modulates the control variable from a pilot variable (col. 11 lines 52-59).

Re claim 12, Kunii shows the pilot variable is a pilot pressure (CR) and wherein the control means is a proportional valve (102a) that can be controlled electrically (col. 11 lines 52-59).

Re claim 13, Kunii shows the proportional valve (102a) modulates the control medium pressure for the pressure control valve (104) from the pilot pressure as a function of its selection (see Fig 13).

Re claim 14, Kunii shows the valve body member of the pressure control valve includes (104) a pressure feedback surface (see Fig 11) onto which the working medium pressure is applied (from line 112).

Re claim 15, Kunii shows the actuation means is an on-off valve (114) and is arranged downstream from the pressure feedback surface (see Fig 11), and the actuation means is actuated by the control means (col. 10 lines 3-28), and wherein beyond a defined value of the control variable the pressure feedback to the pressure feedback surface is at least restricted (col. 10 lines 39-46).

Re claim 16, Kunii shows the on-off valve (114) can be controlled via the control medium pressure (col. 10 lines 3-28).

Re claim 17, Kunii shows the on-off valve (114) can be actuated electrically via the at least one control means (col. 10 lines 3-28).

Re claim 18, Kunii shows the hydraulically operated device actuates a step-less gear change means in an automatic transmission (col. 5 lines 44-52).

Re claim 19, Kunii shows a method for operating a control system comprising the steps of: controlling a pressure control valve (104), via a control means (100) by a control variable (current) in order to adjust a working medium pressure (CR) on the hydraulically operated device within a nominal pressure range and a maximum pressure range (col. 11 lines 3-19), wherein the maximum pressure range is between a system pressure value and the nominal pressure range (col. 2 lines 1-11), including an actuation means (114) for the pressure control valve or pressure reduction valve that actuates a valve body member (116) beyond a specified value of the control variable in

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such a way that with equal changes of the control variable the working medium pressure in the maximum pressure range changes more than in the nominal pressure range (col. 10 lines 63-67).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,899,785	Inokuchi	(pressure reducing valve)
5,002,091	Inokuchi	(pressure reducing valve)
5,992,590	Harries	(hydraulic system)
6,073,644	Friedmann et al	(hydraulic system)
5,836,207	Spooner et al	(hydraulic system)
6,477,446	Holtmann et al	(hydraulic system)
5,199,313	Müller	(hydraulic system)
JP-124806	Hasegawa	(control valve)
EP-0487134	Reniers	(control system)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj *vaj 3/17/03*  
March 17, 2003

  
Thomas R. Hannon  
Primary Examiner